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Advancement of women

Indonesia and Philippines: draft resolution

Violence against women migrant workers

The General Assembly,

Recalling all of its previous resolutions on violence against women migrant workers and those adopted by the Commission on the Status of Women, the Commission on Human Rights and the Commission on Crime Prevention and Criminal Justice, and the Declaration on the Elimination of Violence against Women,[1]

Reaffirming the provisions concerning women migrant workers contained in the outcome documents of the World Conference on Human Rights,[2] the International Conference on Population and Development,[3] the Fourth World Conference on Women[4] and the World Summit for Social Development[5] and their five-year reviews,

Noting with appreciation the various activities initiated by entities of the United Nations system, such as the Regional Programme on Empowering Women Migrant Workers in Asia of the United Nations Development Fund for Women and the high-level panel discussion held by the Commission on the Status of Women at its fiftieth session on the gender dimensions of migration, as well as other activities through which the plight of women migrant workers continues to be assessed and alleviated,

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[1] See resolution 48/104.

[2] A/CONF.157/24 (Part I), chap. III.

[3] *Report of the International Conference on Population and Development, Cairo, 5-13 September 1994* (United Nations publication, Sales No. E.95.XIII.18), chap. I, resolution 1, annex.

[4] *Report of the Fourth World Conference on Women, Beijing, 4-15 September 1995* (United Nations publication, Sales No. E.96.IV.13), chap. I, resolution 1, annexes I and II.

[5] *Report of the World Summit for Social Development, Copenhagen, 6-12 March 1995* (United Nations publication, Sales No. E.96.IV.8), chap. I, resolution 1, annexes I and II.

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Recalling the discussions during the Assembly's High-level Dialogue on International Migration and Development, held on 14 and 15 September 2006, which recognized, inter alia, the need for special protection for migrant women,

Recognizing the increasing participation of women in international migration, driven in large part by socio-economic reasons, and that this feminization of migration requires greater gender sensitivity in all policies and efforts related to the subject of international migration,

Stressing the shared responsibility of all stakeholders, including countries of origin and destination, relevant regional and international organizations, the private sector and civil society, in promoting an environment that prevents and addresses violence against women migrant workers,

Acknowledging the contribution that women migrant workers make to development through the economic benefits that accrue to both the country of origin and the country of destination,

Recognizing the disproportionate discrimination against women and children at all stages of the migration process,

Expressing deep concern at the continuing reports of grave abuses and violence committed against women migrant workers, including, inter alia, sexual and gender-based violence, trafficking, domestic and family violence, racist and xenophobic acts, abusive labour practices and exploitative conditions of work,

Realizing that the disadvantage that women migrant workers face is rooted in the intersection of gender, age, class and ethnic discrimination and stereotypes,

Noting with concern that many migrant women who are employed in the informal economy and in less skilled work are especially vulnerable to abuse and exploitation, and underlining in this regard the obligation of States to ensure respect for the human rights of those migrants,

Emphasizing the need for objective, comprehensive and broad-based information, possibly including a sex-disaggregated database for research and analysis, and a wide exchange of experience and lessons learned by individual Member States and civil society in the formulation of policies and concrete strategies to address the problem of violence against women migrant workers,

Realizing the vulnerability of women migrant workers throughout the migration process, from the moment of decision to migrate, to recruitment, transit, on-site work and integration into the new society, as well as during their return,

Recognizing the importance of joint and collaborative approaches and strategies at the bilateral, regional, interregional and international levels in protecting and promoting the rights and welfare of women migrant workers,

Recognizing also the importance of exploring the link between migration and trafficking in order to further efforts towards protecting women migrant workers from violence, discrimination, exploitation and abuse,

Encouraged by some measures adopted by some countries of destination to alleviate the plight of women migrant workers residing in their areas of jurisdiction, such as the establishment of protection mechanisms for migrant workers, facilitating

their access to mechanisms for reporting complaints or providing assistance during legal proceedings,

Underlining the important role of relevant United Nations treaty bodies in monitoring the implementation of human rights conventions and the relevant special procedures, within their respective mandates, in addressing the problem of violence against women migrant workers and in protecting and promoting their rights and welfare,

1. *Takes note with appreciation* of the report of the Secretary-General;[6]

2. *Takes note* of the reports of the Special Rapporteur on the human rights of migrants[7] and the Special Rapporteur on violence against women, its causes and consequences,[8] with regard to violence against women migrant workers, and encourages all special rapporteurs whose mandates relate to the subject of violence against women migrant workers to address the issue of violence against women migrant workers and their human rights, in particular the problems of gender-based violence and of discrimination, as well as trafficking in women;

3. *Notes* the findings contained in the World Survey on the Role of Women in Development, 2004: Women and International Migration,[9] including its recommendations for concrete actions aimed at helping to empower migrant women, including women migrant workers, and reducing their vulnerability to abuse;

4. *Requests* all Governments to continue to cooperate fully with the Special Rapporteurs mentioned in paragraph 2 above in the performance of their tasks and mandated duties, including by making available to them requested information on violence against women migrant workers and by reacting promptly to their urgent appeals, and encourages Governments to give serious consideration to inviting them to visit their countries;

5. *Calls upon* all Governments to ensure that legislation and policies on international migration and on labour and employment are rights-based and gender-sensitive, and do not reinforce discrimination and bias against women;

6. *Urges* concerned Governments to enhance bilateral, regional, interregional and international cooperation to address violence against women migrant workers, in accordance with internationally agreed human rights standards, as well as to strengthen efforts to reduce their vulnerability and to provide sustainable development alternatives to migration for survival;

7. *Also urges* concerned Governments, in particular those of the countries of origin and destination, in cooperation with non-governmental organizations, the private sector and other members of civil society, to strengthen the focus on and funding support for the prevention of violence against women migrant workers, in particular by promoting the access of women to meaningful and gender-sensitive information and education on, inter alia, the costs and benefits of migration, rights and benefits to which they are entitled in the countries of origin and employment, overall conditions in countries of employment and procedures for legal migration, as well as to ensure that laws and policies governing recruiters, employers and

[6] A/62/177.

[7] A/HRC/4/24 and Add.1-3.

[8] A/HRC/4/34 and Add.1-4.

[9] A/59/287 and Add.1; see also United Nations publication, Sales No. E.04.IV.4.

intermediaries promote adherence to and respect for the human rights of migrant workers, particularly women;

8. *Calls upon* concerned Governments, in particular those of the countries of origin and destination, to put in place penal and criminal sanctions to punish perpetrators of violence against women migrant workers, and redress and justice mechanisms that victims can access effectively, as well as to ensure that migrant women victims of violence do not suffer from re-victimization in the hands of the authorities;

9. *Urges* all States to adopt effective measures to put an end to the arbitrary arrest and detention of women migrant workers and to take action to prevent and punish any form of illegal deprivation of the liberty of women migrant workers by individuals or groups;

10. *Encourages* concerned Governments, in particular those of the countries of origin and destination, to formulate and implement training programmes for their law enforcers, immigration officers, prosecutors and service providers with a view to sensitizing those public sector workers to the issue of violence against women migrant workers and instilling in them the necessary skills and attitude to ensure the delivery of proper, professional and gender-sensitive interventions;

11. *Also encourages* concerned Governments to adopt or strengthen measures to protect the human rights of women migrant workers, regardless of their immigration status, including, inter alia, in policies that regulate the recruitment and deployment of women migrant workers and to consider expanding dialogue among States on devising innovative methods to promote legal channels of migration, inter alia, in order to deter illegal migration;

12. *Calls upon* Governments, in cooperation with non-governmental organizations, the private sector and other stakeholders, to provide victims of violence with the full range of immediate assistance and protection, such as counselling, legal and consular assistance, temporary shelter and other measures that will allow victims to be present during the judicial process, as well as to establish reintegration and rehabilitation schemes for returning women migrant workers;

13. *Invites* Governments, the United Nations system and non-governmental organizations to cooperate towards a better understanding of the issues concerning women and international migration, and to improve the collection, dissemination and analysis of data and information in order to assist in the formulation of gender-sensitive and rights-based migration and labour policies, as well as to aid in policy assessment;

14. *Encourages* concerned Governments, in particular those of the countries of origin, transit and destination, to avail themselves of the expertise of the United Nations, including the Statistics Division, the United Nations Development Fund for Women and the International Research and Training Institute for the Advancement of Women, to develop appropriate national data-collection and analysis methodologies that will generate comparable data and tracking and reporting systems on violence against women migrant workers;

15. *Encourages* Member States to consider signing and ratifying or acceding to relevant International Labour Organization conventions and to consider signing and ratifying or acceding to the International Convention on the Protection of the

Rights of All Migrant Workers and Members of Their Families,[10] the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children[11] and the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime,[12] as well as all human rights treaties that contribute to the protection of the rights of women migrant workers;

16. *Encourages* the Committee on the Elimination of Discrimination against Women to further the momentum of its work in finalizing a general recommendation on women migrant workers;

17. *Requests* the Secretary-General to report to the General Assembly at its sixty-fourth session on the problem of violence against women migrant workers and on the implementation of the present resolution, taking into account updated information from the organizations of the United Nations system, in particular the International Labour Organization, the United Nations Development Programme, the United Nations Development Fund for Women and the International Research and Training Institute for the Advancement of Women, and the International Organization for Migration, as well as the reports of the Special Rapporteurs mentioned in paragraph 2 above, and other relevant sources, including non-governmental organizations.

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[10] United Nations *Treaty Series*, vol. 2220, No. 39481.

[11] Resolution 55/25, annex II.

[12] Ibid., annex III.